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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/491,867 | 01/27/2000 | Masanobu Funakoshi | 35.C14210 | 9166 |

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NEW YORK, NY 10112

EXAMINER

TO, BAOQUOC N

| ART UNIT | PAPER NUMBER |
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2172

DATE MAILED: 07/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/491,867

Applicant(s)

FUNAKOSHI, MASANOBU

Examiner

Baoquoc N To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

1. Claims 1-23 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 12 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czerwinski et al. (US. Patent No. 6,243,093).

Regarding on claims 1, 12 and 23, Czerwinski teaches an information retrieval system apparatus comprising:

Calculation means for calculating the degree of coincidence between a search condition being input and each information to be retrieved in said database (col. 18, lines 25-40);

Determination means for determining, on the results of retrieval respectively for the plural information to be retrieved of a high degree of coincidence, the output feature

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amount for each results of retrieval according to each degree of coincidence (col. 18, lines 49-64);

Output means for outputting said results of retrieval with an output mode (display) in a manner that information having a higher degree of coincidence is output in a larger size at a position closer to a center (active object) of an output part based on each output feature amount (col. 19, lines 4-42).

Czerwinski does not explicitly teach higher degree of coincidence is output in a larger size; however, Czerwinski teaches, "if the user interface of the present invention is to help a user to find object related to an "active" object, the output management process invokes the implicit query process (or more generally, an "object matcher") 264, which may use matching (e.g., correlation or similarity) algorithm or heuristic, based on stored topic, or keywords, or content of the object" (col. 18, lines 8-14). In addition, Czerwinski teaches, "for each object, the output management process 250 provides the perspective view process (or more generally, a "perspective view facility") 252 with the object's location from field 308 of the object records 304 of the object information 302 stored at temporary storage means 202. The perspective view process 252 causes the object thumbnail to appear larger if located in the foreground of the simulated tree-dimensional environment and appear smaller if located in the back ground of the simulated tree dimensional environment" (col. 17, lines 31-40). This teaches the output management allows the user to query the similarity of the object closed to the active object and also allow the object to be displayed in the larger size. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made

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to include retrieval images to be displayed in the larger size when the objects are similar to the active object to allow the user to visualize the results.

Regarding on claims 2 and 13, Czerwinski teaches database stores language information in respective correspondence with each of said information to be retrieved (keywords) (col. 20, lines 30-35); and

Said calculation means is adapted to execute language analysis of said retrieval condition entered by a natural language, thereby calculating a degree of language coincidence between the result of said language analysis and the language information assigned to each information to be retrieved (col. 18, lines 25-40).

Regarding on claims 3 and 14, Czerwinski teaches output feature amount is a size of the output (col. 17, lines 25-40), and said determination means is adapted to determine a larger output size for a result of a higher degree of coincidence (col. 18, lines 50-55).

Regarding on claims 4 and 15, Czerwinski teaches the retrieval result is an image, and said output size is a size of the image (col. 17, lines 35-40).

Regarding on claims 5 and 16, Czerwinski teaches the retrieval result is a text, and said output size is a character size of the text (col. 17, lines 35-40).

Regarding on claims 7 and 18, Czerwinski teaches the retrieval result is an image (thumbnail) or text, and said output feature amount is a display position, and wherein said determines the display position so as to be closer to a specified position for a retrieval result of a higher degree of coincidence (col. 19, lines 10-20).

Regarding on claims 8 and 19, Czerwinski teaches specified position is a center of a display area (col. 19, lines 10-15).

Regarding on claims 9 and 20, Czerwinski teaches determination means determines a distance from said specified position according to said degree of coincidence and determines the display positions of the retrieval results in positions at said determined distances so as to minimize mutual overlap of the retrieval results (col. 19, lines 10-20).

Regarding on claims 10 and 21, Czerwinski teaches determination means determines the output feature amount of each retrieval result for each of the retrieval results corresponding to the information to be retrieved having degrees of coincidence exceeding a predetermined number in a descending order of the degree of coincidence (col. 19, lines 10-20).

Regarding on claims 11 and 22, Czerwinski teaches determination means determines the output feature amount of each retrieval result for each of the retrieval results corresponding to the information to be retrieved having degrees of coincidence exceeding a predetermined threshold value (col. 19, lines 1-42).

4. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czerwinski et al. (US. Patent No. 6,243,093) in view of Miike et al. (US. Patent No. 5,878,414)

Regarding on claims 6 and 17, Czerwinski do not teach retrieval result is a audio data, and said output size is a loudness thereof. However, Mike teaches, "...the outputs the matching environment information and the related target data as the retrieval result in the visual oriented output method such as the character or icon display, or the audio oriented output method such as speech and artificial sound output" (col. 57, lines 33-37). The method of outputting the retrieve audio data through the speaker and the magnitude of the output size is determined according to the relevance of the retrieval are known in the art. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Miike into Czerwinski because by utilizing the audio oriented output method would allow the user to determine which of the results are the relevance according to the magnitude of the sound.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Baoquoc N. To
August 10, 2003